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EXAMINER

HEWITT, JAMES M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3679

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,201

Applicant(s)

HERRINGTON, FOX JOHN

Examiner

James M Hewitt

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/9/03 & 3/26/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) 16-63 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/9/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Invention I (claims 1-15) in the reply filed on 3/26/05 is acknowledged. The traversal is on the ground(s) that all of the claims of the instant application are directed to the same invention. This is not found persuasive. Applicant's arguments presented on pages 1-4 of the reply hinge entirely on the fact that there is no other way to make the product of claims 1-15 other than by the process claimed in claims 16-37. The Examiner asserted in the restriction requirement mailed 3/22/05 that the product of claims 1-15 can be made by a materially different process such as one that does not require softening or cooling. To elaborate upon and substantiate this assertion, the product of claims 1-15 can be made by mechanical means, such as a pressing device. The device could comprise concentric inner and outer cylindrical walls having a length corresponding to the desired length for the single wall and toleranced diameters corresponding to the inner and outer diameters of the lengths of pipe and suitable to form the single walls. The first length of pipe would be placed within the inner and outer walls of the device, and with the outer wall stationary and in contact with the outer surface of the first pipe length, the inner wall would be expanded to press the first pipe length against of the outer wall. Similarly, the second length of pipe would be placed with in the inner and outer walls of the device, and with the inner wall stationary and in contact with the inner surface of the second pipe length, the outer wall would be contracted to press the second pipe length against the inner

wall. Thus, a materially different process that does not require heating or cooling can be used to make the product of claims 1-15 and thus a different apparatus to carry out the process is required.

The requirement is still deemed proper and is therefore made FINAL.

Claims 16-63 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 3/26/05.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction

of the following is required: The subject matter of claims 13-15 does not find support in the specification.

Claim Objections

Claims 1-15 are objected to because of the following informalities:

In claim 1 line 3, the first comma should be deleted.

In claim 1 line 3, the phrase "the outer wall" should be inserted before "radially".

In claim 1 line 3, the phrase "wall, and has" should be replaced with "wall by".

In claim 1 line 9, "first length of" should be inserted before "pipe".

In claim 1 line 13, "second length of" should be inserted before "pipe".

In claim 2 line 1, "said ribs" should be "said rib members".

In claim 2 line 2, "ribs" should be "rib members".

In claim 3 line 1, "said ribs" should be "said rib members".

In claim 3 line 3, "rib" should be "rib member".

In claim 4 line 2, both instances of "tubular wall" should be replaced with "length of pipe".

In claim 5 line 2, "tubular wall" should be "length of pipe".

In claim 5 line 3, "tubular wall" should be "length of pipe".

In claim 6 lines 1-2, "said single wall portion of said inner tubular wall" lacks antecedent basis.

In claim 6 line 2, "said inner tubular wall" lacks antecedent basis.

In claim 6 line 2, it is unclear as to which portion "said portion" is referring.

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In claim 6 line 3, "said ribs" lacks antecedent basis.

In claim 6 line 3, it is unclear as to which portion "said portion" is referring.

In claim 6 line 3, "said outer tubular wall" lacks antecedent basis.

In claim 6 line 4, it is unclear as to which portion "said portion" is referring.

In claim 6 line 4, "said outer tubular wall" lacks antecedent basis.

In claim 6 line 4, "said inner tubular wall" lacks antecedent basis.

In claim 6 lines 4-5, "said ribs portion" lacks antecedent basis.

In claim 6 line 5, "said single wall portion of said inner tubular wall" lacks antecedent basis.

Because of the volume of objections to claim 6, it is hoped that Applicant would take time to review the amended claim as a whole to ensure that it is clear.

In claim 7 lines 1-2, "said single wall portion of said outer tubular wall" lacks antecedent basis.

In claim 7 line 2, "said inner tubular wall" lacks antecedent basis.

In claim 7 line 2, it is unclear as to which portion "said portion" is referring.

In claim 7 line 3, "said ribs" lacks antecedent basis.

In claim 7 line 3, it is unclear as to which portion "said portion" is referring.

In claim 7 line 3, "said inner tubular wall" lacks antecedent basis.

In claim 7 line 4, it is unclear as to which portion "said portion" is referring.

In claim 7 line 4, "said inner tubular wall" lacks antecedent basis.

In claim 7 line 4, "said outer tubular wall" lacks antecedent basis.

In claim 7 lines 4-5, "said ribs portion" lacks antecedent basis.

In claim 7 line 5, "said single wall portion of said outer tubular wall" lacks antecedent basis.

Because of the volume of objections to claim 7, it is hoped that Applicant would take time to review the amended claim as a whole to ensure that it is clear.

In claim 9 line 1, "and" should be "an".

In claim 9 line 4, "further comprising" should be "wherein".

In claim 9 line 4, "said pipe" should be "said pipe length".

In claim 10 line 1, "said end structure" lacks antecedent basis.

In claim 10 line 2, "said pipe" should be "said pipe length".

In claim 13 lines 1-2, "said pipe" should be "said pipe length".

In claim 13 line 3, "said pipe" should be "said pipe length".

In claim 13 line 4, "said pipe" should be "said pipe length".

In claim 14 lines 1-2, "said single walls at both ends of said pipe" lacks antecedent basis. A single wall is only defined at one end of the pipe length.

In claim 14 lines 1-2, "said pipe" should be "said pipe length".

In claim 14 line 3, "said pipe" should be "said pipe length".

In claim 15 lines 1-2, "said single walls at both ends of said pipe" lacks antecedent basis. A single wall is only defined at one end of the pipe length.

In claim 15 lines 1-2, "said pipe" should be "said pipe length".

In claim 15 line 3, "said pipe" should be "said pipe length".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Baker (US 6,199,595).

With respect to claim 1, Baker discloses an assembly of a first length of pipe (28) axially joined to a second length of pipe (28): wherein said pipes each comprise an inner tubular wall having a thickness, an outer tubular wall, having a thickness, radially spaced apart from said inner tubular wall, and has a plurality of rib members (see Figure 7) disposed between said inner tubular wall and said outer tubular wall in a supporting relationship to both said walls; wherein a portion of said first length of pipe, proximate to and including an end thereof is configured as a single tubular wall having a thickness that is greater than the thickness of either said outer tubular wall or said inner tubular wall and having an inside diameter that is greater than the inside diameter of the remainder of said pipe (see Figure 6); wherein a portion of the second length of pipe, proximate to and including an end thereof, is configured as a single tubular wall having a thickness that is greater than the thickness of either said outer wall or said inner wall and having an outside diameter that is less than the outside diameter of the remainder of said pipe (see Figure 6); and wherein the outside diameter of the single wall portion of the second length of pipe is not larger than the inside diameter of the single wall

portion of the first length of pipe (evidenced by the fact that lengths of pipe 28 fit together, see Figure 11).

With respect to claim 4, wherein said single wall portion of said second length of pipe is inserted within said single wall portion of said first length of pipe.

With respect to claim 5, wherein the inside diameter of said single wall portion of said first tubular wall and the outside diameter of said single wall portion of said second tubular wall are substantially the same.

With respect to claim 6, wherein said single wall portion of said inner tubular wall comprises a part of said inner tubular wall of the same length as said portion, a portion of said ribs disposed in said portion, and a part of said outer tubular wall of the same length as said portion, and wherein said outer wall portion, said inner wall portion and said ribs portion are melted together to form said single wall portion of said inner tubular wall.

With respect to claim 7, wherein said single wall portion of said outer tubular wall comprises a part of said outer tubular wall of the same length as said portion, a portion of said ribs disposed in said portion, and a part of said inner tubular wall of the same length as said portion, and wherein said inner wall portion, said outer wall portion and said ribs portion are melted together to form said single wall portion of said outer tubular wall.

Claims 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Line (US 690,744).

With respect to claim 9, Line discloses a length of pipe (excluding flanges 4, 5) comprising an inner tubular wall, and outer tubular wall (3) radially spaced from said inner tubular wall, and a plurality of rib members (of 2) disposed between and in supporting relationship to said inner and outer tubular walls; further comprising an end of said pipe length and a portion of said pipe proximate to said end consisting of a single wall comprising, in combination, the amount of said inner tubular wall of said portion, the amount of said outer tubular wall of said portion and the amount of rib members in said portion; and wherein said inner tubular wall of said portion, said outer tubular wall of said portion and said rib members in said portion are consolidated together to form said single wall.

With respect to claim 10, further comprising said end structure at both ends of said pipe.

With respect to claim 11, wherein said single wall has an outside diameter that is substantially the same as the outside diameter of the remainder of said length of pipe (as at bottom end of pipe length in Figure 2).

With respect to claim 12, wherein said single wall has an inside diameter that is substantially the same as the inside diameter of the remainder of said length of pipe (as at top end of pipe length in Figure 2).

With respect to claim 13, wherein said single wall at one end of said pipe has an outside diameter that is substantially the same as the outside diameter of the remainder of said pipe and the single wall at the other end of said pipe has an inside diameter that

is substantially the same as the inside diameter of the remainder of said pipe. Refer to Figure 2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker (US 6,199,595) in view of Herrington (US 6,405,974).

Baker fails to teach that the ribs are helically oriented or slantedly joined to the inner and outer walls at an angle that is not normal to a tangent to said tubular members at the point where the rib is joined to said tubular wall. Herrington teaches a pipe length having inner and outer walls having a plurality of helical ribs therebetween to provide increased strength and stability for the pipe. In view of Herrington's teaching, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Baker's ribs with helical ribs in order to provide increased strength and stability.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baker (US 6,199,595) in view of Harry et al (US 3,379,221).

Baker fails to teach that the ribs are slantedly joined to the inner and outer walls at an angle that is not normal to a tangent to said tubular members at the point where the rib is joined to said tubular wall. Harry et al teaches a pipe length having inner and outer walls having a plurality of ribs in various orientations therebetween to provide increased strength and stability for the pipe. In view of Harry et al's teaching, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Baker's ribs with slanted ribs in order to provide increased strength and stability.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baker (US 6,199,595).

Baker fails to teach a gasket in between at least a portion of proximate single wall portions. The Examiner takes official notice of the use of a gasket between pipe sections in order to effectively seal the pipe sections. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a gasket between at least a portion of proximate single wall portions of Baker in order to provide sealing.

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Line (US 690,744).

Line fails to teach that the single walls at each end of the pipe have inside diameters that are substantially the same as the inside diameter of the remainder of the

pipe, and that single walls at each end of the pipe have outside diameters that are substantially the same as the outside diameter of the remainder of the pipe. It would have been an obvious matter of design choice to employ such single wall configurations at each end of the pipe since Applicant has not disclosed that doing so is for any particular purpose and it is apparent that Line's single wall configuration at each end of his pipe performs equally as well.

Conclusion

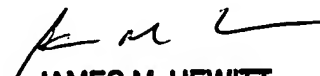
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hewitt whose telephone number is 571-272-7084.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JAMES M. HEWITT
PRIMARY EXAMINER